

Remarks/Arguments:

Information Disclosure Statement (IDS)

The IDS that was filed on September 21, 2006 has not yet been considered. Consideration of this IDS is kindly requested.

Claim Rejections Under 35 USC §103

Claims 12-22 stand rejected under 35 USC §103(a) as unpatentable over Smith, "Understanding Parameters Influencing Tire Modeling") (hereinafter Smith article) in view of Ono et al., US Patent Application Publication No. 2004/0133330 (hereinafter Ono). Applicants respectfully traverse the rejection of these claims because the Smith article is not a proper reference for rejecting Applicants' claims.

In accordance with M.P.E.P. Section 2128, "[a] reference is proven to be a "printed publication" upon a satisfactory showing that such document has been disseminated or otherwise made available to the extent that persons interested and ordinarily skilled in the subject matter or art, exercising reasonable diligence, can locate it."

The Instant application claims priority to German Patent Application No. DE 10 2004 177.0, which was filed on March 23, 2004. Applicants' representative was unable to identify any evidence that the Smith article was made publicly available prior to March 23, 2004. Although the Smith article is marked Copyright 2003, the Smith article was not recorded in the U.S. Copyright Office. Merely marking a copyright date on a document does not confirm that the document has been disseminated or otherwise made available to the extent that persons interested and ordinarily skilled in the subject matter or art, exercising reasonable diligence, can locate it. Additionally, according to web.archive.org, the earliest Internet posting of the Smith article on the website of Colorado State University was May 19, 2006. Because German Patent Application No. DE 10 2004 177.0, which was filed on March 23, 2004, predates the May 19, 2006 publication of the Smith article, the Smith article is not a proper reference for rejecting Applicants' claims.

The Ono patent was cited for the limited purpose of teaching a steering torque detecting portion, and does not overcome the deficiencies of the Smith article.

Reconsideration of the rejection of claims 12-22 and allowance of those claims is respectfully requested.

Conclusion

In view of the remarks set forth above, Applicants respectfully submit that this application is now in condition for allowance, which action is respectfully requested. If the Examiner believes an interview will advance the prosecution of this application, it is respectfully requested that the Examiner contact the undersigned to arrange the same.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'GMM', is written over a horizontal line.

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